

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. CONLIN,

Plaintiff,

Case No. 11-15352

v.

Hon. John Corbett O'Meara

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. *et al.*,

Defendants.

**ORDER DENYING PLAINTIFF'S
MOTION FOR REMAND AND FOR RECONSIDERATION**

Before the court is Plaintiff's motion for remand and reconsideration, filed December 16, 2011. Defendants filed a response on January 6, 2012. Pursuant to L.R. 7.1, the court did not hear oral argument.

Plaintiff seeks reconsideration of the court's December 16, 2011 order denying Plaintiff's motion for temporary restraining order and motion for remand. In that order, the court determined that it has diversity jurisdiction in this case because Defendants Orlans Associates, P.C. and Marshall Isaacs were fraudulently joined and should be disregarded for diversity purposes.

The standard for granting a motion for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(h)(3). A motion for reconsideration “is not properly used as a vehicle to re-hash old arguments or to advance positions that could have been argued earlier but were not.” Smith v. Mount Pleasant Schools, 298 F. Supp.2d 636, 637 (E.D. Mich. 2003) (citing Sault Ste. Marie Tribe of Chippewa Indians v. Engler, 146 F.3d 357, 374 (6th Cir. 1998)).

Upon review, the court finds that Plaintiff has not demonstrated a “palpable defect” by which the court hand the parties have been misled. The court concludes that Defendants Orlans and Isaacs are nominal defendants for the reasons stated in its December 16, 2011 order. Accordingly, the court will deny Plaintiff’s motion for reconsideration.

SO ORDERED.

s/John Corbett O’Meara
United States District Judge

Date: May 17, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 17, 2012, using the ECF system.

s/William Barkholz
Case Manager